

## AMERICAN LAND SOVEREIGNTY PROTECTION ACT OF 1996

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SEPTEMBER 24, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

### R E P O R T

together with

### DISSENTING VIEWS

[To accompany H.R. 3752]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3752) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “American Land Sovereignty Protection Act of 1996”.

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The power to dispose of and make all needful rules and regulations governing lands belonging to the United States is vested in the Congress under article IV, section 3, of the Constitution.

(2) Some Federal land designations made pursuant to international agreements concern land use policies and regulations for lands belonging to the United States which under article IV, section 3, of the Constitution can only be implemented through laws enacted by the Congress.

(3) Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate

under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from the Congress.

(4) Actions by the United States in making such designations may affect the use and value of nearby or intermixed non-Federal lands.

(5) The sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power.

(6) Private property rights are essential for the protection of freedom.

(7) Actions by the United States to designate lands belonging to the United States pursuant to international agreements in some cases conflict with congressional constitutional responsibilities and State sovereign capabilities.

(8) Actions by the President in applying certain international agreements to lands owned by the United States diminishes the authority of the Congress to make rules and regulations respecting these lands.

(b) PURPOSE.—The purposes of this Act are the following:

(1) To reaffirm the power of the Congress under article IV, section 3, of the Constitution over international agreements which concern disposal, management, and use of lands belonging to the United States.

(2) To protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating lands pursuant to international agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

(5) To provide a process under which the United States may, when desirable, designate lands pursuant to international agreements.

### SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1) is amended—

(1) in subsection (a) in the first sentence, by—

(A) inserting “(in this section referred to as the ‘Convention’)” after “1973”; and

(B) inserting “and subject to subsections (b), (c), (d), (e), and (f)” before the period at the end;

(2) in subsection (b) in the first sentence, by inserting “, subject to subsection (d),” after “shall”; and

(3) adding at the end the following new subsections:

“(d) The Secretary of the Interior shall not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention unless such nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996. The Secretary may from time to time submit to the Speaker of the House and the President of the Senate proposals for legislation authorizing such a nomination.

“(e) The Secretary of the Interior shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention unless—

“(1) the Secretary has submitted to the Speaker of the House and the President of the Senate a report describing the necessity for including that property on the list; and

“(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress enacted after the date that report is submitted.

“(f) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each site:

“(1) An accounting of all money expended to manage the site.

“(2) A summary of Federal full time equivalent hours related to management of the site.

“(3) A list and explanation of all nongovernmental organizations contributing to the management of the site.

“(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.”.

#### SEC. 4. PROHIBITION AND TERMINATION OF UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is amended by adding at the end the following new section:

“SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

“(b) Any designation of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—

“(1) is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996 and before December 31, 1999;

“(2) consists solely of lands that on the date of that enactment are owned by the United States; and

“(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.

“(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each reserve:

“(1) An accounting of all money expended to manage the reserve.

“(2) A summary of Federal full time equivalent hours related to management of the reserve.

“(3) A list and explanation of all nongovernmental organizations contributing to the management of the reserve.

“(4) A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve.”.

#### SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is further amended by adding at the end the following new section:

“SEC. 404. (a) No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.

“(b) A nomination, classification, or designation of lands owned by a State or local government, under any international agreement shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.

“(c) A nomination, classification, or designation of privately owned lands under any international agreement shall have no force or effect without the written consent of the owner of the lands.

“(d) This section shall not apply to—

“(1) sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention);

“(2) agreements established under section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4413); and

“(3) conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(2)).

“(e) In this section, the term ‘international agreement’ means any treaty, compact, executive agreement, convention, or bilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna.”.

#### SEC. 6. CLERICAL AMENDMENT.

Section 401(b) of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1(b)) is amended by striking “Committee on Natural Resources” and inserting “Committee on Resources”.

#### PURPOSE OF THE BILL

The purposes of H.R. 3752 are to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-federal lands surrounding those public lands and acquired lands.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 3752 asserts the Constitutional power of Congress over management and use of lands belonging to the United States. The international agreement covering World Heritage Sites, for example, largely leaves Congress out of the process. The bill also provides a process under which the United States by Congressional action may, when desirable, nominate lands for inclusion under international agreements.

Over the last 25 years, an increasing expanse of our nation's public lands have been made subject to various international land use restrictions, most notably Biosphere Reserves and World Heritage Sites. Under article IV, section 3 of the United States Constitution, the power to make all needful rules and regulations governing lands belonging to the United States is vested in Congress, yet these international land designations have been created with virtually no Congressional oversight or approval.

Biosphere Reserves and World Heritage Sites are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization (UNESCO). World Heritage Areas are natural sites or cultural monuments recognized by UNESCO under the Convention Concerning Protection of the World Cultural and Natural Heritage. Biosphere Reserves are part of the U.S. Man and Biosphere Program which operates in conjunction with a worldwide program under UNESCO. The U.S. biosphere program operates without legislative direction and is not authorized by Congress. Over 68 percent of our National Parks, Preserves and Monuments have been designated as United Nations World Heritage Sites, Biosphere Reserves or both. Biosphere Reserves alone cover an area about the size of Colorado, our eighth largest State. There are now 47 UNESCO Biosphere Reserves and 20 World Heritage Sites in the United States.

In becoming a party to these international land use designations through Executive Branch action, the United States may be indirectly agreeing to terms of international treaties, such as the Convention on Biodiversity, to which the United States is not a party or which the United States Senate has refused to ratify. For example, "The Seville Strategy for Biosphere Reserves" recommends that participating countries "integrate biosphere reserves in strategies for biodiversity conservation and sustainable use, in plans for protected areas, and in the national biodiversity strategies and action plans provided for in Article 6 of the Convention on Biodiversity." Furthermore, the "Strategic Plan for the U.S. Biosphere Reserve Program" published in 1994 by the U.S. State Department states that a goal of the U.S. Biosphere Reserve Program is to "create a national network of biosphere reserves that represents the biogeo-

graphical diversity of the United States and fulfills the internationally established roles and functions of biosphere reserves.”

Also disturbing is that designation of Biospheres and World Heritage Areas rarely involve consulting the public and local governments. In fact, UNESCO policy apparently discourages an open nomination process for Biosphere Reserves. The “Operational Guidelines for the Implementation of the World Heritage Convention” state:

In all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned, State [national] parties should refrain from giving undue publicity to the fact that a property has been nominated . . . pending the final decision of the Committee of the nomination in question. Participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site, but should not prejudice future decision-making by the committee.

By allowing these international land use designations, the United States promises to protect designated areas and regulate surrounding lands if necessary to protect the designated area. Honoring these agreements could force the federal government to prohibit or limit some uses of private lands outside the international designated area unless our country wants to break a pledge to other nations. At a minimum, this puts U.S. land policy-makers in an awkward position. Federal regulatory actions could cause a significant adverse impact on the value of private property and on the local and regional economy. For example, the involvement of the World Heritage Committee in the National Environmental Policy Act review process for the New World Mine Project near Yellowstone National Park, which is a World Heritage Area, exemplifies this problem. Creation of a buffer zone, possibly ten times as large as the Park, was suggested by at least one member of the Committee. Moreover, by excluding the federal lands on which the New World Mine Project lie from an adjoining wilderness area, Congress has already determined that these lands are available for multiple uses, including mining.

It is clear from this example, that at best, World Heritage Site and Biosphere Reserve designations give the international community an open invitation to interfere in U.S. domestic land use decisions. More seriously, these international land use agreements potentially have several significant adverse effects on the American system of government. In these instances, the federal land use policy making authority is further centralized at the federal/Executive Branch level, and the role that ordinary citizens have in the making of this policy through their elected representatives is diminished. The Executive Branch may also invoke these agreements in an attempt to administratively achieve an action within the jurisdiction of Congress, but without consulting Congress.

#### COMMITTEE ACTION

H.R. 3752 was introduced on June 27, 1996, by Congressman Don Young (R-AK). The bill was referred to the Committee on Re-

sources. On September 12, 1996, the Committee held a four-hour hearing on H.R. 3752. A total of 13 witnesses testified.

Seven witnesses including three local elected officials and a Member of Congress testified in support of H.R. 3752. The Honorable Tim Hutchinson (R-AR), a cosponsor of H.R. 3752, outlined the problems associated with the proposed "Ozark Highland Man and Biosphere Plan" which was advanced without public input and which has now apparently been withdrawn after strong public opposition developed following discovery of the proposal. Local elected officials from New York and New Mexico confirmed that there is little or no input by the public or elected officials into these designations. A Cornell University professor of government testified that "if the bill is seen by some as symbolic, it is still a useful symbol. It is not at all inappropriate at this time to reemphasize the Congressional duty to keep international commitments from floating free of traditional Constitutional restraints."

The Assistant Secretary for Fish, Wildlife and Parks stated that the Interior Department opposed H.R. 3752 and would recommend that the President veto the bill, if it was passed by Congress.

A representative from UNESCO testified that "UNESCO does not take a position on the pros and cons of the legislation proposed in H.R. 3752 at the 104th Congress. The way in which the United States chooses to relate to our MAB [Man and Biosphere] Programme or to the subject of World Heritage is a sovereign decision of the American people and the American Government."

On September 18, 1996, the Full Resources Committee met to consider H.R. 3752. Congressman Don Young offered an en bloc amendment to exempt sites nominated under certain international conventions from the terms of the bill and to require annual reports to Congress on World Heritage Areas and Biosphere Areas in the United States; the amendment was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by a rollcall vote of 18–8, as follows:

Members	Yeas	Nays	Present	Members	Yeas	Nays	Present
Mr. Young (Chairman) .....	X	.....	.....	Mr. Miller .....	.....	.....	.....
Mr. Tauzin .....	X	.....	.....	Mr. Markey .....	.....	X	.....
Mr. Hansen .....	.....	.....	.....	Mr. Rahall .....	.....	X	.....
Mr. Saxton .....	X	.....	.....	Mr. Vento .....	.....	X	.....
Mr. Gallegly .....	.....	.....	.....	Mr. Kildee .....	.....	.....	.....
Mr. Duncan .....	X	.....	.....	Mr. Williams .....	.....	.....	.....
Mr. Hefley .....	X	.....	.....	Mr. Gejdenson .....	.....	X	.....
Mr. Doolittle .....	X	.....	.....	Mr. Richardson .....	.....	X	.....
Mr. Allard .....	.....	.....	.....	Mr. DeFazio .....	.....	.....	.....
Mr. Gilchrest .....	.....	.....	.....	Mr. Faleomavaega .....	X	.....	.....
Mr. Calvert .....	.....	.....	.....	Mr. Johnson .....	.....	.....	.....
Mr. Pombo .....	X	.....	.....	Mr. Abercrombie .....	.....	.....	.....
Mr. Torkildsen .....	.....	.....	.....	Mr. Studds .....	.....	.....	.....
Mr. Hayworth .....	X	.....	.....	Mr. Ortiz .....	.....	.....	.....
Mr. Cremeans .....	X	.....	.....	Mr. Pickett .....	.....	.....	.....
Mrs. Cubin .....	.....	.....	.....	Mr. Pallone .....	.....	.....	.....
Mr. Cooley .....	X	.....	.....	Mr. Dooley .....	.....	.....	.....
Mrs. Chenoweth .....	X	.....	.....	Mr. Romero-Barceló .....	X	.....	.....
Mrs. Smith .....	.....	.....	.....	Mr. Hinchey .....	.....	.....	.....
Mr. Radanovich .....	X	.....	.....	Mr. Underwood .....	.....	X	.....
Mr. Jones .....	X	.....	.....	Mr. Farr .....	.....	X	.....
Mr. Thornberry .....	X	.....	.....	Mr. Kennedy .....	.....	X	.....
Mr. Hastings .....	X	.....	.....				
Mr. Metcalf .....	X	.....	.....				

Members	Yeas	Nays	Present	Members	Yeas	Nays	Present
Mr. Longley .....	.....	.....	.....				
Mr. Shadegg .....	.....	.....	.....				
Mr. Ensign .....	.....	.....	.....				

## SECTION-BY-SECTION ANALYSIS

### SECTION 1. SHORT TITLE

This section states that the Act may be cited as the “American Land Sovereignty Protection Act of 1996.”

### SECTION 2. FINDINGS AND PURPOSE

Section 2 makes eight findings which basically state that: (1) the constitutional power to make rules and regulations governing lands belonging to the United States belongs to Congress; (2) actions in creating lands with international designations may affect the use and value of nearby or intermixed non-federal lands; and (3) actions by the President in applying international designations to lands owned by the United States may conflict with Congressional constitutional responsibilities.

This section further states that the purpose of H.R. 3752 is to assert the power of Congress over the management and use of lands belonging to the United States and protect State powers not reserved to the federal government and to ensure that no United States citizen suffers any diminishment or loss of individual rights or private property rights as a result of federal actions designating lands pursuant to international agreements.

### SECTION 3. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING

Section 3 amends the National Historic Preservation Act to compel the Secretary of the Interior to require the legislative consent of Congress to any nomination of a property located in the United States for inclusion on the World Heritage List pursuant to the Convention Concerning the Protection of the World Cultural and Natural Heritage. The Secretary is also required to obtain Congressional approval before assenting to the designation of any United States site on the World Heritage List as a Site in Danger under the World Heritage Convention. The Secretary must submit an annual report to Congress on each World Heritage site within the United States.

### SECTION 4. PROHIBITION AND TERMINATION OF UNITED NATIONS BIOSPHERE RESERVES

Section 4 amends the National Historic Preservation Act to prohibit federal officials from nominating any land in the United States for designation as a Biosphere Reserve. Existing United States Biosphere Reserves are terminated unless: (1) the Biosphere Reserve is specifically authorized in subsequently enacted law by December 31, 1999; (2) the designated Biosphere Reserve entirely consists of lands owned by the United States; and (3) a management plan for the Biosphere Reserve has been implemented which specifically provides for the protection of non-federal property

rights and uses. The Secretary of State is to submit an annual report to Congress providing specified information on each Biosphere Reserve in the United States.

#### SECTION 5. INTERNATIONAL AGREEMENTS IN GENERAL

Section 5 amends the National Historic Preservation Act to prohibit federal officials from designating any land in the United States for a special or restricted use under any international agreement unless such designation is specifically approved by law. "International agreement" means any treaty, compact, executive agreement, convention, or bilateral agreement between the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna. The amendments made by this section do not apply to sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat, agreements established under the North American Wetlands Conservation Act, and conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978.

Lands owned by State or local governments may not be included within the boundaries of any area designated for a special or restricted use under any international agreement unless the designation is approved by a law enacted by the State or local government, respectively.

No privately owned lands may be included within the boundaries of any area designated for a special or restricted use under any international agreement unless the owner of the property concurs with such action in writing.

#### SECTION 6. CLERICAL AMENDMENT

This section updates a reference to the Committee on Resources in the National Historic Preservation Act Amendments of 1980.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 3752 will have no significant inflationary impact on prices and costs in the operation of the national economy.

#### COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 3752. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely



submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

#### COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3752 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3752.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3752 from the Director of the Congressional Budget Office.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 20, 1996.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3752, the American Land Sovereignty Protection Act of 1996, as ordered reported by the House Committee on Resources on September 18, 1996. We estimate that enacting this bill would have no significant impact on the federal budget. H.R. 3752 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3752 would prohibit any federal official from nominating, classifying, or designating any federal land for a special or restricted use under any international agreement unless specifically authorized by law, with certain exceptions. Moreover, the bill would make ineffective the designation of any area in the United States under such agreements unless the designation is specifically authorized in written permission from the landowner for private property, or by state or local law for property owned by such governments. Designations of federal land would be ineffective as well, unless authorized by federal legislation enacted after enactment of H.R. 3752. These provisions would affect designations of land under programs such as the World Heritage List and the Man and Biosphere Program of the United Nations. H.R. 3752 would require the Secretaries of State and the Interior to submit annual reports to the Congress on each site designated under these programs.

CBO estimates that the Departments of State and the Interior would incur minor expenses to collect information (such as budget and staffing data by site) and to submit annual reports to the Con-

gress. Implementing the bill would have no impact on other federal agencies.

H.R. 3752 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would have no impact on the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and Victoria Heid.

Sincerely,

JUNE E. O'NEILL, *Director*.

#### COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3752 contains no unfunded mandates.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS OF 1980

\* \* \* \* \*

#### TITLE IV—INTERNATIONAL ACTIVITIES AND WORLD HERITAGE CONVENTION

SEC. 401. (a) The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973 (*in this section referred to as the "Convention"*), in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States *and subject to subsections (b), (c), (d), (e), and (f)*.

(b) The Secretary of the Interior shall, *subject to subsection (d)*, periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national significance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on [Natural Resources] *Resources* of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

\* \* \* \* \*

(d) *The Secretary of the Interior shall not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention unless such nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996. The Secretary may from time to time submit to the Speaker of the House and the President of the Senate proposals for legislation authorizing such a nomination.*

(e) *The Secretary of the Interior shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention unless—*

*(1) the Secretary has submitted to the Speaker of the House and the President of the Senate a report describing the necessity for including that property on the list; and*

*(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress enacted after the date that report is submitted.*

(f) *The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each site:*

*(1) An accounting of all money expended to manage the site.*

*(2) A summary of Federal full time equivalent hours related to management of the site.*

*(3) A list and explanation of all nongovernmental organizations contributing to the management of the site.*

*(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.*

\* \* \* \* \*

*SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.*

*(b) Any designation of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—*

*(1) is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996 and before December 31, 1999;*

*(2) consists solely of lands that on the date of that enactment are owned by the United States; and*

*(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.*

*(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each reserve:*

(1) *An accounting of all money expended to manage the reserve.*

(2) *A summary of Federal full time equivalent hours related to management of the reserve.*

(3) *A list and explanation of all nongovernmental organizations contributing to the management of the reserve.*

(4) *A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve.*

SEC. 404. (a) *No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.*

(b) *A nomination, classification, or designation of lands owned by a State or local government, under any international agreement shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.*

(c) *A nomination, classification, or designation of privately owned lands under any international agreement shall have no force or effect without the written consent of the owner of the lands.*

(d) *This section shall not apply to—*

(1) *sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention);*

(2) *agreements established under section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4413); and*

(3) *conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(2)).*

(e) *In this section, the term “international agreement” means any treaty, compact, executive agreement, convention, or bilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna.*

\* \* \* \* \*

DISSENTING VIEWS OF HON. GEORGE MILLER, HON. EDWARD J. MARKEY, HON. SAM FARR, HON. BILL RICHARDSON, HON. SAM GEJDENSON, AND HON. BRUCE F. VENTO

H.R. 3752 is an unjustified and unnecessary bill that addresses a phantom problem on behalf of extreme, anti-environmental, anti-United Nations groups.

Under six Presidents—four Republicans and two Democrats—the World Heritage Convention has been successfully implemented by the Department of the Interior. In fact, the Convention was a United States initiative and the United States was the first nation to ratify it in 1973. There are 20 United States sites on the World Heritage List, 17 of which are National Parks. Under the Convention, a site may only be nominated to be listed by the country in which it lies. A site may only be listed if it contains cultural or natural resources of universal value, and if the national government provides a certain level of protection for the site. Listing as a World Heritage Site imposes no change in domestic law nor any requirement for future changes in domestic law. It does not give oversight, management or regulatory authority to any foreign nation or organization. In short, the legal protection of a World Heritage Site is entirely the responsibility of the nation in which it lies.

The U.S. Man and the Biosphere Program attempts to facilitate a more sustainable relationship between human beings and their natural environment by identifying areas rich in natural resources that are also suited to the program's cooperative approach. It brings local and regional stakeholders to the table in a voluntary joint planning effort, and provides technical assistance and limited research funding to relevant projects. A United States Biosphere Reserve is an honorific designation by the United States Man and the Biosphere Program, which is a domestic federal program, not under UN control. As with World Heritage designations, Biosphere Reserve status does not impose or imply any land or natural resource use restrictions above and beyond those already in place under federal, state, or local law.

For over 20 years, these programs have functioned effectively and with little controversy. Far from subjecting the American people to UN hegemony, these programs have allowed the United States to export its vision of parks to the world. But some interests, whose activities—often on public land—could pollute or otherwise despoil our national parks and other public lands, would prefer to operate without the public attention and media scrutiny that comes with World Heritage or Biosphere Reserve status. This legislation, which caters to those suspicious of international agreements and environmental planning, aids these special interests by hinting at threats to United States sovereignty and the undermining of domestic law by these beneficial programs.

If Congress wishes to micromanage these international programs, it could assume that responsibility. However, it is very ironic that this Congress is willing to spend its waning days fixing programs that are not broken when it has completely failed to enact meaningful reform of a host of natural resource management programs that rob the Treasury of much-needed revenue and deny the American people sustainable use of their natural resource legacy. Perhaps more harmful, by pandering to the radical right, the Majority diverts attention from the real issues—the rights and responsibilities of the American people to protect our natural heritage, as embodied in our National Parks and other public lands.

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